

Questions and Answers/February 6, 2008, Webinar

1. Does DESE have any suggestions on proposed instruments to assess fluency?

Answer: We recommend DIBELS to measure fluency. There are some informal assessments some of the coaches and teachers use in Reading First. You may want to talk to the Reading First consultant at your RPDC about this.

2. If a student receives ELL services and has LEP marked in his/her cumulative records, do we need to be marking LEP on the IEP Special Considerations page? And if we do mark LEP on the IEP, how do we justify that based on this standard especially with the word “primarily” taken out. And if we mark yes “the student’s language needs are addressed in this IEP,” can you qualify how this would look in the IEP?

Answer: We need to make sure that LEP kids are not getting identified as special education just based on their language issues. The MELL consultants at RPDCs can be a great resource for you to help in evaluations of such kids.

Yes, the IEP should reflect that LEP is a special consideration, and our model form indicates that if you check “yes” for this, the student’s language needs are addressed in this IEP. It would be appropriate for one thing, to address the child’s language issues in the Present Level of Academic Achievement and functional performance, as they relate to testing, involvement, and progress in the general education curriculum, possibly parent/guardian concerns, etc.

What we might expect to see on the service summary page, if anything (since the child’s lack of English is not the disability, and ESL/LEP types of services are not what you typically would see under special education or related services)? There is a comprehensive discussion of this in the comments on the OLD regulations. The IEP team, in the case of a child with limited English proficiency, has to consider the language needs of the child as such needs relate to the child’s IEP.

Old regulations comments: Issues such as the extent to which the LEP child with a disability receives instruction in English or the child’s native language, the extent to which a LEP child with a disability can participate in the general curriculum or whether English language tutoring is a service that must be included in a child’s IEP are determinations that must be made on an individual basis by the members of a child’s IEP team. It is important that the IEP team consider how the child’s level of English language proficiency affects the special education and related services that the child needs in order to receive FAPE.

Basically, schools are required to provide LEP children with alternative language services, whether they are eligible for special education or not, but it sounds like the team makes the determination as to whether they will show any of these services on the IEP depending on the child’s needs.

3. Will there be any future training for the High Needs Fund?

Answer: We do not have any training planned. A HNF manual for districts has been developed and is posted at <http://www.dese.mo.gov/divspeced/Finance/documents/HNFPolicyManual.pdf>. Also, feel free to contact Shelley Witherbee our new Director of Funds Management with questions.

4. What is the correct process to go through if your district is above one percent in students who qualify for MAP-A?

Answer: When you exceed 1%, you will be asked to provide a justification for a waiver. Please contact the Assessment Section of the Division of School Improvement for further information.

5. When would a child qualify as Other Health Impaired if they have a doctor's diagnosis of ADD and/or ADHD?

Answer: Look closely at the eligibility criteria under the Other Health Impaired category. Remember, that both limited alertness AND heightened alertness are factors under this category. You still need to conclude that there is an adverse educational impact.

6. Do all special education students take the PILOT end of course tests this spring? Should we implement the accommodations as directed on the IEP for special education students taking the PILOT end of course tests?

Answer: No changes in accommodations are expected at this time; implement those identified in the IEP. There is not a Braille or large print version of the field tests available and no expectation that districts will test that population of students requiring those versions of the tests. All other special education students who take the course content during the pilot period will be expected to take the end of course exams.

7. Is an IQ test required when using RtI to determine eligibility?

Answer: DESE does not require an IQ test when using RtI to determine eligibility. Regardless of which method is used, the evaluation process must draw upon information from a variety of assessment tools and strategies and may not rely on any single procedure for determining eligibility. In some cases, the evaluation team might feel it would be necessary or helpful to have cognitive testing, but it is not a requirement when using RtI.

8. Since there appears to be some confusion regarding when to provide "notice of action" to parents, could DESE provide a listing of the "required" times this document should be provided to the parent/guardian?

Answer:

- Written Notice Triggers – Short Term: A document will be posted on the Division's website with examples of triggers under the FAPE category and examples of no triggers. Districts can send other examples you want addressed to heidi.atkinslieberman@dese.mo.gov.
- Written Notice Triggers – Long Term: DESE will submit a written request OSEP on the issue, and include examples to ensure we are viewing this correctly.

9. A student is identified as Hearing Impaired and has a hearing aid. Do the special education services have to include Speech or Language Therapy or could the child just receive resource room assistance for academics as determined by the IEP team?

Answer: Not necessarily.

10. When a transfer student enrolls and is in the process of being initially evaluated, is the receiving district held to the sixty day timeline?

Answer: If the initial evaluation already began prior to transfer, the receiving district can exceed sixty days but if the initial evaluation has not began; the receiving district has sixty days.

11. In earlier questions and answers posted concerning educational decision maker, it was stated that the person with whom the child is living becomes the educational decision maker even if that person is not the parent or related to the student, my question is, what if the person with whom the child is living is one parent and the girlfriend or boyfriend of the parent, can the boyfriend or girlfriend then attend the IEP meeting and act as a parent since this is the person with whom the child is living.

Answer: The parent the child lives with is the educational decision-maker assuming the other natural parent has not been given that sole right in a divorce decree. If the other natural parent has joint legal custody, the "step parent" is not an educational decision-maker. They can attend IEP meetings, however (no confidentiality concern since the child lives with them) but could not initiate due process or sign consent.

12. After attending a LASE meeting, there seems to be some concern on the part of special education directors concerning information presented at a meeting by KU on transition and what is being required by DESE through MSIP. The perception is that there are contradictions. Are there plans to clarify?

Answer: Yes, there are plans to clarify. An FAQ has been posted, see answer to question #15 below. Also, please use the resources we have advertised through SELS to explore questions. A community of practice site has been set up and there is a forum for asking the experts questions on transition.

13. How quickly will problems with the ProFile (computerized) MAP-A be resolved and districts notified? Some have been told to hold off entering data that may be lost. Others are unaware there is a problem with MAP-A science and may not notice until they go to enter information on ProFile.

Answer: A SELS message regarding this was sent February 7, 2008.

14. When using RtI to determine eligibility, is there a standard conclusion to use in the evaluation report? Can we see some sample evaluation conclusions when RtI has been used to determine eligibility?

Answer: There is not a standard conclusion. We will post a sample conclusion on our web site under the RtI button in the near future. You may also want to consult with some of the school districts who have been using RtI in connection with SLD eligibility.

15. Prior to reviewing an annual IEP, if we want to have a student complete an Informal Assessment, such as Informal Assessments for Transition: Employment and Career Planning by Synatschk, Clark, Patton, Copeland, do we need written or oral permission from the student's parents. If so, would we use the Notice of Action to document this? Could this assessment be given for purpose mentioned above without going through the evaluation process (a review of existing data)?

Answer: An FAQ addressing this question and assessment/evaluation issues involving transition has been posted at <http://www.dese.mo.gov/divspeced/Compliance/Q&A/documents/DESEQA2-5-08.pdf>.

There is also a community of practice set up that you should have received a SELS message about, and an opportunity to submit questions to the experts. Keep in mind that the usual procedures for evaluations and reevaluations are no different just because the area of evaluation is transition.

16. When a student withdraws from school to enter the MO-VIP program, what/if any paperwork or notices is required?

Answer: No paperwork or notices are required.

17. Are you saying that we can use the DIBELS results to determine eligibility for SLD in reading fluency, when we are using the discrepancy model? I didn't think it provided a standard score. How would that work?

Answer: DIBELS would be used if you were assessing fluency in an RtI model for SLD eligibility, or if you are looking at using professional judgment under the discrepancy model.

18. It is my understanding that when a student transfers, release of information forms are not required to forward documents, are verbal conversations the same? In other words, can the district verbally share information when the new district calls?

Answer: You are correct, no consent/release of information form is needed to forward records to the school the student transfers; additionally, you can share the information verbally with the other district's staff members without consent.

19. Are the goals now supposed to include timeframe-example-will increase skill in addition by learning facts 1-3s with 80% accuracy-3/4 times by May?

Answer: The "3 out of 4 times" language is not required. The assumption is that the goals are attainable within the year, so it isn't critical for to say when the goal will be completed unless they are setting a time frame that is different from the one year IEP period.

20. Are teachers required to share with parents the personal notes on students that are used by the teacher to support report cards and progress toward goals?

Answer: Personal notes of teachers are not considered educational records; therefore the teacher is not required to share the notes with the parent. However, if the teacher shares the notes with anyone other than the substitute teacher, the notes are no longer considered personal notes.

21. What direction would you suggest in the initial phases of RtI implementation?

Answer: Not sure what the question is, need clarification.

22. When using professional judgment in the diagnosis of SLD, what type of documentation would be needed to be used that the child is not achieving adequately or making sufficient progress based on a review of formal or informal assessments?

Answer: As outlined in the State of Missouri Guidance for Identification of Specific Learning Disability (SLD), when using professional judgment, specific data collected must support the characteristics of a learning disability. For example, information from district and state assessments, observed characteristics of that particular SLD from observations in the classroom and assessments, data from informal assessment activities, and data obtained from screenings would be appropriate sources of supporting information. The key is that the decision should be data based and the basis for the decision needs to be articulated through a clear summary in the evaluation report.

23. When using RtI without a cognitive measure, how do we ensure that sped does not become a program for slow learners rather than disabled students?

Answer: If RtI is implemented with fidelity, "slow learners" should not be identified as disabled. I encourage you to contact school districts like North Kansas City, and Carthage, to find out how they guard against this in their implementation of RtI.

24. Can a child with an IEP whose parents have now decided they want to home-school access more than OT/speech time during the regular day-such as reading time or PE.

Answer: Under IDEA, the student would only receive the services that the district agrees to provide via the services plan. Whether the district allows additional access to regular education courses, like they do with non-disabled private school students is something that is up to them; however, before saying "no" you may want to consult with a school attorney.

25. If the team uses the GAI in an eligibility determination, shouldn't this be considered using professional judgment?

Answer: The use of GAI is to help determine the score; there would be no context for professional judgment in that situation.

26. Some districts seem to believe that RtI is a good way to place low achievement students in sped. Don't we still need to assure that the problem is unexpected and not just a poverty child with low achievement due to home life????

Answer: I am sorry to hear that some districts think that! You are correct; you still need to consider the issue of environmental concerns as a part of the eligibility process.

27. What if they enroll in MOVIP part-time, but parent wishes the student to continue attending part time in the public school.

Answer: The answer will depend on whether the child is attending MOVIP part-time because the district has placed him there under an IEP or whether the child is attending MOVIP part-time because the parent is home-schooling him and therefore he is treated as a non-public school student. If the latter, the district would allow access to attend part-time only if they already do this for other private/non-public school kids. There would be no requirement to do so under IDEA unless this is how the district intends to meet its proportionate share expenditure requirement. See MOVIP FAQ posted on the DESE website, Division of School Improvement.

28. How does the IEP team rule out "limited English proficiency" when considering an ELL student for special education?

Answer: Please contact the MELT consultant at your Regional Professional Development Center (RPDC) or the Division of School Improvement for help on this.

29. If our district receives either an in-state or out-of-state evaluation report where a child is identified with a specific learning disability using RtI, would our district need to reject that evaluation report if we are currently not using RtI nor do we have written procedures for identifying students with a learning disability using RtI?

Answer: No, you don't have to reject it. You can accept it.

30. Follow-up on RtI: I wasn't sure if we would have to reevaluate using the discrepancy model if we didn't have RtI procedures in place.

Answer: You can reevaluate using the severe discrepancy model.